

REMARKS/ARGUMENTS

In response to the Final Office Action mailed July 8, 2010, Applicant proposes to amend his application and request reconsideration in view of the proposed amendments and the following remarks. In this response, Claim 1 is proposed to be amended, no claims have been added, claims 2, 3, 5, 7, 8, 10, 11, 12, 14 and 19 were previously cancelled without prejudice and claims 6, 9, 15-18, 22-24 and 27-58 were previously withdrawn so that Claims 1, 4, 6, 9, 13, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26 and 27-58 are currently pending. No new matter has been introduced.

Claims 1, 4, 13, 20, 21, 25 and 26 were rejected as being anticipated by US Patent No. 6, 190,353 to Makower et al. (Makower). This rejection is respectfully traversed.

Anticipation exists only if all of the elements of the claimed invention are present in a system or method disclosed, expressly or inherently, in a single prior art reference. Therefore, if it can be shown that there is one difference between the claimed invention and what is disclosed in the single reference, there can be no anticipation.

Makower discloses methods and devices for bypassing arterial obstructions. The devices all have catheters and guide wires and means for leaving the vessel. The Examiner draws our attention to the drawings of Figure 10 et al. In this Figure and in the corresponding specification, there is simply a catheter body 700 with no separate deflection housing attached to an end thereof. In addition, Makower discloses an element that may be deflected and not a pre-formed curve section as claimed.

The present invention claims a catheter system for use in forming a pathway between an extraluminal space within a blood vessel and a true lumen of the blood vessel, comprising a single guide wire; a catheter body including at least one lumen configured to track over the single guide wire to a treatment site; a catheter endpiece

coupled to the distal end of the catheter body, the catheter endpiece including a deflection housing secured to the distal end of the catheter body, one distal port and one lateral opening, both in communication with the lumen; and a working element comprising a an axially translatable cannula with a lumen for traversing over the single guide wire and having a pre-formed curved distal section and a sharpened distal tip, the curved distal section of the cannula being in a straight configuration when positioned within the catheter body and in a the pre-formed curved configuration when extending from the lateral opening, the deflection housing being configured to allow the guide wire to pass through either of the distal port or the lateral opening. Makower fails to disclose or even suggest the unique single lumen design of the claimed invention with a separate deflection element and a pre-formed element as claimed, nor is it suggested as Makower is not solving a similar problem. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

Applicants would be willing to interview the present case if the Examiner so desires. Accordingly, the Examiner is invited to call the undersigned at (732) 524-2518 if such a call would facilitate the prosecution of this application.

Respectfully submitted,
/Carl J. Evens/

By: _____
Carl J. Evens
Reg. No. 33,874

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-2518
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